

From: Freiheit
To: Microsoft.atr(a)usdoj.gov
Date: 11/27/01 10:16pm
Subject: The so-called settlement with Microsoft

Dear US Department of Justice,

We, the people of the United States of America, have been legally refused the right to not run Microsoft software.

As an American I am appalled by the so-called settlement of the Microsoft anti-trust case. Two levels of the US court system (US District Court and the US Appeals Court) ruled that Microsoft holds an illegal monopoly with its Windows operating system. How could anyone reasonably allow Microsoft to then walk away without even a slap on the wrist? The proposed settlement is weaker than the 1995 Consent Decree that started this anti-trust trial. It makes absolutely no attempt to repair the damage done by Microsoft's monopolistic, bullish practices to keep competing operating systems (such as IBM's OS/2, BeOS, and Linux) from succeeding.

In both written and verbal testimony during the trial, witness after witness legally testified that Microsoft had abused its monopoly position and that PC makers (OEMs) were strong-armed into refusing to support any non-Microsoft operating system. Take for example the price fixing done by Microsoft against IBM -- in sworn testimony it was declared that if IBM installed even a single copy of its own OS/2 operating system on any PC they sold, they would be forced to pay as much as five times the going rate per license of Windows 95.

How then can this settlement NOT address the Windows monopoly in any way, shape, or form? What becomes of those millions of PC users who have made the conscious choice to not run Windows on our computers? This settlement takes absolutely no action to ensure that competing operating systems will have a fair chance to survive. Those of us who educated ourselves and chose the appropriate operating system for our needs have been bullied and ridiculed in the past, and this settlement will only allow companies to legally continue to refuse our needs and desires. We will be further coerced into running Windows when we have made the choice to not run Windows. We will continue to receive zero support from hardware manufacturers whose products we use. We will continue to be refused the opportunity to purchase OS/2 or Linux on an off-the-shelf PC system. This is not due to consumer choice, as again two levels of the US court system declared that Windows was an illegal monopoly.

And now Microsoft is being allowed to resolve several class action lawsuits by -- get this -- force feeding Microsoft software to America's schools. How is this ever going to allow non-Microsoft developers such as Corel, Lotus, IBM, Be, RedHat, etc, to make a profit? By legally declaring that America's schools must accept Microsoft's "donation" of Microsoft software, the US court system is going to destroy the concept of competition. I can think of no reason why a child, force fed nothing but Microsoft software from kindergarten through high school, would choose to use any non-Microsoft software later in life. These are the business

decision makers of tomorrow -- how is breeding them to recognize only Microsoft going to allow them to make the choice to use a superior product?

I and many others strongly urge the US Department of Justice to rethink its strategy and to adhere to the court system's legal declaration that Windows is an illegal monopoly.

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Should you feel the need to confirm my existence (unlike Microsoft I do not send letters from non-existent cities) you may contact me at the address or phone number below. Thank you.

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Don "Freiheit" Eitner

- * Developer of The 13th Floor website
(<http://freiheit.syntheticdimension.net>)
- * Using OS/2 because I want to, not because I "have to".